

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

KEANDRE ARNOLD,)	
)	
Plaintiff,)	
)	
v.)	No. 2:22-cv-00253-JMS-MKK
)	
CUPP, et al.,)	
)	
Defendants.)	

**ORDER GRANTING IN PART
MOTIONS TO APPOINT COUNSEL AND NEUTRAL EXPERT**

Plaintiff Keandre Arnold brought this action pursuant to 42 U.S.C. § 1983 against the defendants alleging that they violated his Eighth Amendment rights due to their deliberate indifference to his need for mental health care while incarcerated at Pendleton Correctional Facility. Presently before the Court are Mr. Arnold's motion for assistance recruiting counsel and motions for the Court to appoint a neutral medical expert under Rule 706 of the Federal Rules of Evidence. The defendants have not responded to the motions and the time to do so has passed.

Mr. Arnold has several open cases alleging that he has received inadequate mental health care. When he filed a motion for preliminary injunction in this case alleging that he was suffering from suicidal ideation and that staff at New Castle Correctional Facility were failing to provide appropriate care, dkt. 66, the Court opened a new case to address those allegations. *See Arnold v. Keris*, 1:23-cv-00406-MPB-TAB. In that case, the defendant attests that Mr. Arnold's behavior is attention-seeking and that he is not prescribed medication because he reports that it is ineffective and is non-compliant in taking it. *Id.*, dkt. 22-1 at 3.

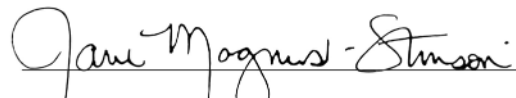
Rule 706 of the Federal Rules of Evidence permits the Court to appoint a neutral expert witness "that the parties agree on and any of its own choosing." Fed. R. Evid. 706(a). The purpose

of this rule is to allow the Court to obtain neutral expert testimony when "scientific or specialized knowledge will help the court to understand the evidence or decide a disputed fact." *Elcock v. Davidson*, 561 Fed. Appx. 519, 524 (7th Cir. 2014). In Mr. Arnold's case, the parties dispute whether he suffers from any mental health condition requiring medical treatment. The Court finds that a neutral expert would assist the Court in deciding this disputed fact in this case and possibly in other cases pending cases where Mr. Arnold's mental health is materially disputed.

Accordingly, Mr. Arnold's motion for assistance with recruiting counsel, and his motions to appoint a neutral expert, dkt. [40], dkt. [64], and dkt. [71], are **granted to the extent that** the Court will attempt to recruit counsel for the limited purpose of assisting the parties in identifying a neutral expert to evaluate Mr. Arnold and review his medical records to provide the Court with an expert opinion regarding his current treatment plan and recommend any alterations to that plan if necessary.

IT IS SO ORDERED.

Date: 6/6/2023


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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